

Appl. No. 09/755,978
Amdt. dated August 28, 2003
Reply to Office Action of March 28, 2003

REMARKS/ARGUMENTS

In the Office Action claims 1-9 and 11 were rejected as unpatentable over Boyko US Patent No. 4,775,178 in view of Jyawook US Patent No. 6,276,743 for the reasons stated in the Office Action.

Claim 10 was rejected under 35 USC 103(a) as unpatentable over Boyko US Patent No. 4,775,178 in view of Jyawook US Patent No. 6,276,743, and further in view of Weyerstall US Patent No. 6,050,117 on the grounds set forth in the Office Action.

This response, except for the last amendatory clause in claim 1, and the amendment to claim 5, was submitted of the Examiner prior to the interview of July 21, 2003, and was discussed in the interview.

The following argument is presented to distinguish the present invention from the teachings of the cited art, so as to overcome the foregoing rejections and secure allowable subject matter in the claims.

While Boyko (Figs. 1 and 2) shows a door lock with inside and outside operating means each having a door handle, and a door lock operable mechanically by the door handles via a plurality of

connecting elements, Boyko does not show connecting elements that are provided with drive elements located between the two door handles and the door lock. Boyko does not show the drive elements disposed at a distance from the door lock via a driven element 36. It is urged that the cross link lever 36 shown by Boyko together with its fixedly secured arms does not suggest a driving element, in the sense of the present invention, which is needed to drive the third connecting element connected to the latching device. Actually, the cross link of Boyko is clearly a part of the connecting elements and does not drive anything but only alters the direction of movement in order to excite tensile forces upon the door lock instead of pushing forces. Since no element is driven by this cross link 36, it is not capable of driving any further element and does not suggest such driving element.

Boyko, considered alone or in combination with the other cited art, would not motivate the skilled person to modify the cross link disclosed by Boyko in such a way that it drives the third connecting element of the latching device. These teachings do not motivate one to turn the function of a cross link into the function of a driver element by connecting the third connecting element with the latching device. In particular, there is no reason for the skilled person to do so from what is disclosed both by Jyawook and Boyko. Actually, Jyawook was not aware of any deficiencies of driving the latching device via said third connecting elements directly by the door lock and so there is no reason for the skilled person to modify the complicated door lock disconnecting the third connecting element and then instead

choosing a complicated cross link by adding the additional function of a driver element in order to drive the latching device which is not even mentioned by Boyko. It was only the inventor of the present invention who first made studies on the drawbacks of the connecting elements for driving the latching device, and the inventor was the first to determine that these operating deficiencies resulted from the excessively long cables together with the cumulative tolerances.

Without this knowledge resulting from the inventor's investigations, no skilled person could find a reason to combine the operating arrangements disclosed by Boyko at Jyawook.

Therefore, it is believed that claim 1 and the other independent claims 9 and 11 are not obvious over Boyko in view Jyawook.

Even if a skilled person should find it obvious to drive the third connecting elements for the latching device by a cross link as disclosed by Boyko, he would not uncouple the connections between the arms and the cross link in order to have a driving of the latching device only in one direction of movement of the driver elements relative to the connecting element, as provided by the present invention.

The text of claims 1, 9 and 11 has been edited for clarity so as to emphasize the foregoing distinctions between the present invention and the cited art.

This is a report on the interview conducted by telephone with Examiner Thomas Ho on July 21, 2003. The interview was directed to finding allowable subject matter in the claims, all of which had been rejected in the final rejection of March 28, 2003. The primary reference discussed at the interview was Jyawook. It was pointed out to the Examiner that the proposed amendment was an editing of the claims, particularly claim 1, to emphasize and clarify that the driven element, which operates on the latching device via the third connecting element, is drivable by either one of the inside door handle and the outside the door handle via their respective connecting elements. The Examiner stated initially that Jyawook, at Figs. 17A, B, and C, provides a pivoting lever type of mechanism that is similar to that disclosed in the present Figs. 2-5 (providing detail in the construction of block 26 in the diagrammatic presentation of present Fig. 1) because he believes the Jyawook mechanism to enable movement of element 742 (lower right corner of Fig. 17A) via activation of either one of the elements 720 and 730 (upper right corner of the figure) in response to manipulation of either one of an inside or an outside door handle.

The Examiner's position is based on the interaction between the interior unlatch lever 640 and the exterior unlatch lever 642 (column 3 at lines 40-41) along with the positioning of an unlatching pin 790 in the L-shaped slot 672. It was explained to the Examiner that, by manually positioning this pin, there is movement of the element 742 in response to the joint movement of elements 720 and 730. In other words, the connection of the cables to the two levers does not allow independent

movement of these two elements 720 and 730 but, actually ties the two elements together when the position of the pin locks the two levers together. In the alternative position of the pin, the inside door handle and its Bowden cable is disconnected from the lever which drives the element 742.

It was further pointed out to the Examiner that the manipulation of the pin in the slot effectively changes the construction of the mechanism. Therefore, and in view of the foregoing observation of the locking together of the two levers, the Jyawook mechanism does not attain the goal of the present invention, set forth at the end of the amended claim 1, to effect the drivability of the driven element by either one of the door handles. The accomplishment of this feature of the invention was explained to the Examiner with reference to the movable elements of the two input Bowden cables at the right side of present Fig. 2. Therein, with the aid of Figs. 4 and 5, it was pointed out that the driver elements 40 and 42 can contact independently the lever 32 without any joining together of the driver elements as happens in Jyawook. Therefore, the structure and function of Jyawook is clearly different from that of the present invention and does not suggest the present invention.

This distinction is emphasized more specifically in the language of claim 5, which depends from claim 1, and states that the driving takes place in only one direction of movement of the driver elements (40 and 42) relative to the connecting element. The Examiner understood that the language "takes place in one direction of movement" or "takes place in one direction of

movement" (from the German word *einer*) is disclosed in the present specification, and the Examiner raised no objection to insertion of the language "one direction of movement" by amendment.

The Examiner stated that he would be willing to recognize the above-described distinction between the present invention and the teaching of *Jyawook* if the claims would be amended to set forth this distinction more clearly. Accordingly, the following additional clause is added at the end of claim 1: -- , and wherein the first connecting element is uncoupled from the second connecting element enabling the first and the second connecting elements to move independently of each other --.


In view of the foregoing argument and the concepts discussed at the interview, this response is believed to overcome the rejections under 35 USC 103 so as to secure allowance of the claims.

In the event there are further issues remaining the Examiner is respectfully requested to telephone attorney to reach agreement expedite issuance of this application.

licant respectfully requests that a timely Notice of Allowance issued in this case.

Since the present claims set forth the present invention patentably and distinctly, and are believed to be distinguishable over the art either taken alone or in combination, this amendment is believed to place this case in condition for allowance and the Examiner is respectfully requested to reconsider the matter, enter this amendment, and to allow all of the claims in this case.

Respectfully submitted,
Martin Roos

by: 
MARTIN A. FARBER
Attorney for Applicant
Registered Representative
Registration No. 22,345

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the accompanying Amendment Upon Final Action and Applicant's Interview Summary Report is being facsimile transmitted to the Patent Office on August 28, 2003.

by Martin A. Farber
August 28, 2003

ed Nations Plaza
NY 10017
8-2878

OFFICIAL

FAX RECEIVED

AUG 29 2003

GROUP 3600